

RECEIVED

JUN 18 2003

PATENT APPLICATION 1000/2900  
TECH C



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yuki SASAKI et al.

Group Art Unit: 1617

Application No.: 10/015,611

Examiner: L. Wells

Filed: December 17, 2001

Docket No.: 111482

For: RESIN POWDER FOR DERMATOLOGIC COMPOSITION, SKIN CLEANSING AGENT AND COSMETIC COMPOSITION USING THE POWDER, AND PREPARATION PROCESS OF THE POWDER

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the May 20, 2003 Restriction Requirement, Applicants provisionally elect Group I, claims 1-17, drawn to a resin powder, with traverse.

It is respectfully submitted that the subject matter of all claims 1-22 are sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Furthermore, the Restriction Requirement should be withdrawn at least between Groups I and III. Where product and process claims are presented in the same application, Applicant may be called upon under 35 U.S.C. §121 to elect claims to either the product or process. MPEP §821.04. However, in the case of an elected product claim, rejoinder will be permitted when a product claim is found allowable and the withdrawn process claim depends from or otherwise includes all the limitations of an allowed product claim. *Id.*

In the present application, the method claim of Group III includes all of the limitations of the product of Group I. In particular, all of the limitations of the independent product claim 1 of Group I are incorporated into the method of Group III, since claim 22 is dependent from claim 1.

Since the method claim of Group III includes the limitations of the product claims of Group I, the method claim must be rejoined with the product claims once the product claims are allowed. Thus, to streamline prosecution and avoid delay, the Restriction Requirement should be withdrawn to permit concurrent examination of all of the pending claims.

Applicants respectfully requests reconsideration and withdrawal of the Restriction Requirement.

Respectfully submitted,

James A. Oliff  
Registration No. 27,075

H. James Voeller  
Registration No. 48,015

JAO:HJV/tea

Date: June 16, 2003

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

|  |
|--|
| <b>DEPOSIT ACCOUNT USE<br/>AUTHORIZATION</b><br>Please grant any extension<br>necessary for entry;<br>Charge any fee due to our<br>Deposit Account No. 15-0461 |
|--|